

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES TSELEY,

Plaintiff,

v.

W. CONWAY BUSHEY, et al.,  
Defendants

Civil Action No.

1:00-FILED-00577

HARRISBURG, PA

JUN 30 2000

MARY E. DIAMOND, CLERK

Per [Signature]

BRIEF IN SUPPORT OF MOTION TO CEASE RETALIATION AGAINST PLAINTIFF

### Statement of the Facts.

As noted in the attached affidavit, defendant Moe, true name Withers, reviewed plaintiff for parole. Defendant Moe, Withers, is the same individual who the defendants claimed to be unable to identify and who refused to investigate anything that plaintiff in retaliation for his exercising his constitutional rights.

### Statement of the Question

Should the court issue an order directing the defendants to cease retaliating against plaintiff?

### Argument

It is well-established by the courts that a prisoner has a right against retaliation by prison/parole officials for exercising his constitutional rights and that the defendants

should not be permitted to deliberately utilize false information in their documents filed with the court.

Instantly, the defendants specifically stated in their answer to the complaint that after reasonable investigation they were utterly unable to identify the true name or whereabouts of defendant Mike Moe who reviewed plaintiff for parole as delineated in the complaint.

However, it is patently impossible for the defendants to have been unable to ascertain the true identity of defendant Mike Moe since the procedure is for documentation to be created by whomever reviews a prisoner for parole and the documents are signed by that person. Clearly, the defendants are intentionally withholding the identities of defendants Moe and Doe in order to deliberately sabotage plaintiff's case.

Moreover, defendant Moe specifically informed plaintiff that he was aware of the litigation.

His denial of plaintiff's parole is clearly in retaliation for plaintiff's litigation.

### Conclusion

Wherefore, the court should grant plaintiff's motion.

Date: June 28, 2000

Respectfully submitted,  
Charles Iseley

Charles Iseley #m-9320

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